

RESOLUTION NO. 2013-17

**A RESOLUTION OF THE VILLAGE COUNCIL OF THE
VILLAGE OF KEY BISCAYNE, FLORIDA, APPROVING AN
INTERGOVERNMENTAL AGENCY AGREEMENT WITH
MIAMI-DADE COUNTY FOR THE INSTALLATION OF
VILLAGE STREET SIGNS AND TRAFFIC CALMING
DEVICES; PROVIDING FOR AUTHORIZATION; AND
PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, the Village of Key Biscayne (the “Village”) desires to further beautify the Village by the installation of new street signs; and

WHEREAS, the Village also desires to install traffic calming devices on Village streets; and

WHEREAS, all traffic control and traffic engineering services in Miami-Dade County (the “County”) are under the exclusive jurisdiction of the County; and

WHEREAS, the County may authorize municipalities, which desire and are equipped and able to perform certain traffic engineering functions, to assume, together with all liability and without additional cost to the County, through an Intergovernmental Agency Agreement, and for local municipal streets only, the installation and maintenance of street name signs as well as traffic calming devices; and

WHEREAS, as such, the Village Council desires to enter into the Intergovernmental Agency Agreement within the County, in substantially the form attached hereto as Exhibit “A,” relating to the installation of street signs and traffic calming devices (the “Agreement”); and

WHEREAS, the Village Council finds that this Resolution is in the best interest and welfare of the residents of the Village.

**NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE COUNCIL OF THE
VILLAGE OF KEY BISCAYNE, FLORIDA, AS FOLLOWS:**

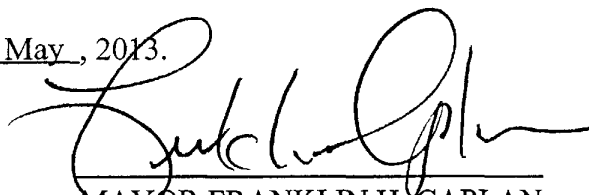
Section 1. Recitals Adopted. Each of the above stated recitals are hereby adopted, confirmed and incorporated herein.

Section 2. Approval. The Village Council hereby approves the Agreement with the County, in substantially the form attached hereto as Exhibit "A."

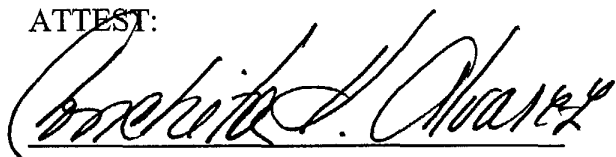
Section 3. Authorization. The Village Council hereby authorizes the Village Manager to execute the Agreement, in substantially the form attached hereto as Exhibit "A," subject to approval as to form, content, and legal sufficiency by the Village Attorney.

Section 4. Effective Date. This Resolution shall be effective immediately upon adoption.

PASSED AND ADOPTED this 14th day of May, 2013.


MAYOR FRANKLIN H. CAPLAN

ATTEST:



CONCHITA H. ALVAREZ, MMC, VILLAGE CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY



VILLAGE ATTORNEY



EXHIBIT "A"

INTERGOVERNMENTAL AGENCY AGREEMENT TO PERFORM TRAFFIC ENGINEERING FUNCTIONS

THIS INTERGOVERNMENTAL AGENCY AGREEMENT TO PERFORM TRAFFIC ENGINEERING FUNCTIONS (**AGREEMENT**) made and entered into this 14th day of March, 2013, by and between the **VILLAGE OF KEY BISCAYNE, FLORIDA**, a municipal corporation of the STATE OF FLORIDA, hereinafter referred to as the **VILLAGE** and **MIAMI-DADE COUNTY**, a political subdivision of the STATE OF FLORIDA, hereinafter referred as the **COUNTY**.

WITNESSETH

WHEREAS, pursuant to Section 2-96.1 of the Miami-Dade County Code, all traffic control and traffic engineering services in Miami-Dade County are under the exclusive jurisdiction of the **COUNTY**; and

WHEREAS, the **VILLAGE** desires to assume the installation and maintenance responsibilities of certain traffic engineering functions pertaining to its local municipal streets only; and

WHEREAS, the **COUNTY** has determined that the **VILLAGE** is both equipped and able to perform the traffic engineering functions as herein specified on its local streets; and

WHEREAS, the **VILLAGE** has, by proper resolution attached hereto and by reference made a part hereof, authorized its Village Manager to enter into this **AGREEMENT**.

NOW THEREFORE, the **VILLAGE** and the **COUNTY** agree as follows:

1. The recitals set forth above are incorporated herein by reference.
2. The **VILLAGE** will only install and maintain the following designated types of traffic control devices within municipal streets within its boundaries:

A. Street Name Signs; and

B. Traffic calming devices may be installed on local municipal streets only after an appropriate traffic engineering study has been performed and sealed and signed plans have been submitted to the Public Works and Waste Management Department of the **COUNTY** for its review and approval.

3. The **VILLAGE** shall attach a decal to the back of the sign panels indicating ownership and date of installation.

4. The **VILLAGE** assumes sole and complete responsibility for the maintenance of all such signs that are installed by the **VILLAGE** within its boundaries.

5. The **VILLAGE** assumes sole and complete liability for any accidents and/or injuries which may or are alleged to occur or arise out of the installation, operation or maintenance of said traffic control devices, and hereby indemnifies and saves harmless the **COUNTY** from any and all claims of negligence as a result of the installation, operation or maintenance of said signs. Neither the **VILLAGE** nor the **COUNTY** in any way waives its rights and immunities under Section 768.28 of Florida Statutes.

6. All Street Name Signs installed by the **VILLAGE** in accordance with this **AGREEMENT** shall conform to the applicable requirements established by the following publications:

- A. Florida Department of Transportation Standard Specifications for Road and Bridge Construction.
- B. Manual on Uniform Traffic Control Devices for Streets and Highways, U.S. Department of Transportation Federal Highway Administration (ANSI D6.1e-1989), including latest revisions;
- C. Standard Highway Signs, U.S. Department of Transportation, Federal Highway Administration; and

D. Miami-Dade County Public Works Manual (available from the Public Works and Waste Management Department, Reproduction Services, 111 NW 1 Street, Suite 1604, Miami, FL 33128).

7. For installation of traffic control devices, the **VILLAGE** shall hire a **COUNTY** licensed contractor or perform the work in-house by the **VILLAGE** Public Works crew.

8. The **VILLAGE** shall not remove the existing signs from the stop-top installation. Should the **VILLAGE** install Street Name Signs at the same locations where a stop-top street name exists, then the **VILLAGE** shall utilize the other corners of the intersection and subsequently notify the Traffic Signals & Signs Division of the **COUNTY** Public Works and Waste Management Department to remove the Street Name Signs from the stop-top.

9. The **VILLAGE** shall be responsible for keeping records of any and all installations and repairs, and furnishing pertinent documents as and when said records may be requested.

10. Failure to carry out any of the duties and responsibilities assumed herein by the **VILLAGE** may result in termination of this **AGREEMENT**, at the sole discretion of the **COUNTY**.

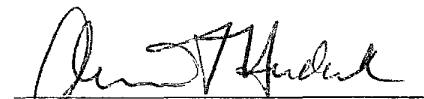
IN WITNESS WHEREOF, the VILLAGE and the COUNTY have set their hands the day
and year above written.

Attest:

MIAMI-DADE COUNTY

HARVEY RUVIN, CLERK

By:



Deputy Mayor

By:

County Deputy Clerk



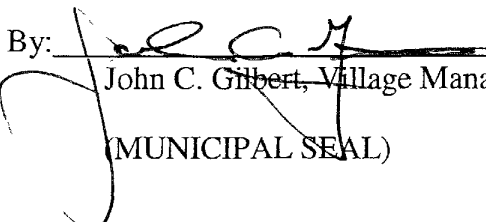
Approved as to form and legal sufficiency:


Assistant County Attorney

VILLAGE:

Village of Key Biscayne,
a Florida municipal corporation

By:


John C. Gilbert, Village Manager

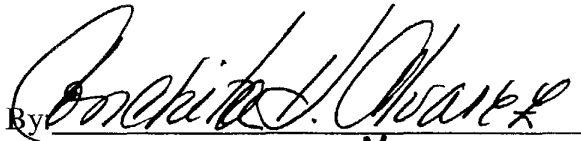
(MUNICIPAL SEAL)



ATTEST:

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

By:


Conchita H. Alvarez, MMC
Village Clerk

By:


Village Attorney